

EXHIBIT 7

David Norman Deposition Excerpts

- Norman Dep. 29–30, 33–34, 61–64, 100–101, and 283, Apr. 14, 2012 & Ex. 33

David W. Norman, P.E.

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE: **METHYL TERTIARY BUTYL
ETHER ("MTBE")** MDL 1358
PRODUCTS LIABILITY LITIGATION (SAS)

This Document Relates to:

**CITY OF FRESNO v. CHEVRON U.S.A.
INC., et al.
Case No. 04 Civ. 04973 (SAS)**

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WEDNESDAY, APRIL 18, 2012

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**Videotaped Deposition of DAVID W. NORMAN,
P.E., VOLUME I, held at the Law Offices of Sheppard
Mullin Richter & Hampton, 333 South Hope Street, 43rd
Floor, Los Angeles, California, beginning at 9:05 a.m.,
before Sandra Bunch VanderPol, FAPR, RMR, CRR, CSR
#3032**

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David W. Norman, P.E.

<p style="text-align: center;">Page 26</p> <p>1 for cleaning up in order to get your expertise into 2 what they should do additionally? 3 A. That would be -- 4 MR. MILLER: Compound. Vague and ambiguous. 5 Overbroad. 6 Wait just a second so I can object when I 7 need to. 8 You can answer. 9 MR. CORRELL: Or when he wants to. I'm not 10 sure he needs to. 11 THE WITNESS: No. 12 BY MR. CORRELL: 13 Q. If the City did ask for that type of 14 analysis, would you be capable of providing it? 15 MR. MILLER: Calls for speculation. Vague 16 and ambiguous on what kind of analysis. 17 Go ahead. 18 BY MR. CORRELL: 19 Q. If the City of Fresno came to you and 20 said that it had three UST release sites in which it 21 was or is currently the responsible party in charge 22 for cleaning up, would it be within your expertise to 23 provide the City advice on how to conduct the 24 assessment and remediation to ensure that MTBE did 25 not escape its facilities?</p>	<p style="text-align: center;">Page 28</p> <p>1 THE WITNESS: That's correct. 2 BY MR. CORRELL: 3 Q. And then you concluded that you could 4 not recommend steps beyond those in your report until 5 the results from those initial steps were determined, 6 right? 7 MR. MILLER: Same objections. 8 THE WITNESS: And from clarity, I don't 9 think we concluded we couldn't. It -- we didn't make 10 additional recommendations indicating that until that 11 initial work was done, that there wouldn't be 12 sufficient data to make those recommendations. 13 BY MR. AXLINE: 14 Q. Right. Well, I guess we can look at 15 this when we get to a specific site. But, in 16 general, is it your opinion that you cannot with 17 reasonable certainty predict what further assessment 18 and/or remediation activities would be needed until 19 after you conducted the steps that you recommended in 20 your report? 21 MR. MILLER: Same objections. 22 THE WITNESS: It is my experience and my 23 practice that in -- that without sufficient 24 information, it's premature to make recommendations. 25 ///</p>
<p style="text-align: center;">Page 27</p> <p>1 MR. MILLER: Compound. Calls for 2 speculation. Insufficient facts on which to base a 3 hypothetical. 4 THE WITNESS: If the City of Fresno retained 5 us to provide similar services or services that we 6 typically provide, we could provide them. 7 BY MR. CORRELL: 8 Q. When you said "similar services," you 9 were pointing down to your report. You meant similar 10 services to the opinions that you provided about the 11 31 release sites at issue here? 12 A. Correct. 13 Q. Now, for most of the sites, after you 14 conducted your review, you did recommend additional 15 assessment activities, correct? 16 A. On a number of them, yes. 17 Q. And for those sites, you reached 18 the -- what would be a good way -- well, let me back 19 up. 20 In general -- we're going to go into site 21 specific. But, in general, for the sites in which 22 you recommended additional assessment activities, 23 they were either CPT testing or monitoring wells or a 24 combination of both? 25 MR. MILLER: Compound. Overbroad.</p>	<p style="text-align: center;">Page 29</p> <p>1 BY MR. CORRELL: 2 Q. And so until you got the information 3 from the first round of assessment activities you 4 proposed at these sites, you could not with 5 reasonable certainty tell the jury what additional 6 assessment and remediation actions will be needed, 7 correct? 8 MR. MILLER: Vague and ambiguous. Compound. 9 Calls for speculation as asked. 10 THE WITNESS: Yeah, as -- as I indicated 11 before, without additional information that, in my 12 experience in my practice, is that we wouldn't make 13 recommendations for cleanup unless we knew what 14 needed to be cleaned up, for instance. 15 BY MR. CORRELL: 16 Q. The reason that you recommended these 17 initial steps at these sites was to obtain additional 18 information, right? 19 A. That's correct. 20 Q. Additional information you would need 21 before you could opine on what additional activities 22 would be needed, if any, at these sites, right? 23 A. The additional information would add 24 to the existing data that would allow us to make 25 additional recommendations, whether further work was</p>

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<p style="text-align: right;">Page 30</p> <p>1 necessary or not.</p> <p>2 Q. And until you – until you obtained</p> <p>3 that data from this – from the recommendations that</p> <p>4 you make from these sites, you could not with</p> <p>5 reasonable certainty recommend any additional steps,</p> <p>6 correct?</p> <p>7 MR. MILLER: That's been asked and answered.</p> <p>8 And it's also compound. Insufficient facts on which</p> <p>9 to base a hypothetical. And calls for speculation.</p> <p>10 This is the third time you've asked the same</p> <p>11 question repackaged.</p> <p>12 THE WITNESS: Our recommendations and my</p> <p>13 recommendations and experience indicate that the</p> <p>14 approach we took here, looking for additional</p> <p>15 information within a reasonable distance from the</p> <p>16 site, provides the next information so that we</p> <p>17 don't – we aren't spending effort and/or dollars</p> <p>18 that aren't necessary to define something.</p> <p>19 And so the next set of information is the</p> <p>20 step with which we would take to define the next</p> <p>21 piece of work. So...</p> <p>22 BY MR. CORRELL:</p> <p>23 Q. And I appreciate that, but I'm</p> <p>24 looking for something very specific here.</p> <p>25 And that – you've laid out a plan at these</p>	<p style="text-align: right;">Page 32</p> <p>1 reasonable approach to assessment. And with that</p> <p>2 approach, then we would have additional information</p> <p>3 to make additional opinions.</p> <p>4 It is possible for somebody to make</p> <p>5 different opinions based on different levels of</p> <p>6 information at different levels of certainty. But I</p> <p>7 would probably agree that you would be predicting and</p> <p>8 not using scientific data to make those opinions.</p> <p>9 Is that –</p> <p>10 BY MR. CORRELL:</p> <p>11 Q. If you went beyond your first step?</p> <p>12 A. That's correct.</p> <p>13 Q. Now, putting aside assessment</p> <p>14 activities and talking about remediation activities,</p> <p>15 that is actual cleanup activities, based on your</p> <p>16 experience and review of the data, you cannot predict</p> <p>17 any remediation that is needed at any one of these</p> <p>18 sites at this time with reasonable certainty,</p> <p>19 correct?</p> <p>20 MR. MILLER: The question is vague and</p> <p>21 ambiguous.</p> <p>22 Are you claiming that the work he's</p> <p>23 recommending is not remediation related?</p> <p>24 MR. CORRELL: Let me --</p> <p>25 MR. MILLER: It's argumentative and assumes</p>
<p style="text-align: right;">Page 31</p> <p>1 sites to collect additional information, correct?</p> <p>2 A. Correct.</p> <p>3 Q. And that information would be needed</p> <p>4 before you could, with reasonable certainty, predict</p> <p>5 what future steps would need to be taken, correct?</p> <p>6 MR. MILLER: That's the fourth time you've</p> <p>7 answered (sic) the question. He has answered it</p> <p>8 several times. You're harassing the witness.</p> <p>9 If you have a new question, please ask it.</p> <p>10 But forcing the witness to repeat his answer over and</p> <p>11 over again is inappropriate.</p> <p>12 THE WITNESS: Could you repeat his last</p> <p>13 portion of the question.</p> <p>14 (Record read as follows: QUESTION: And</p> <p>15 that information would be needed before you could,</p> <p>16 with reasonable certainty, predict what future steps</p> <p>17 would need to be taken, correct?)</p> <p>18 THE WITNESS: I could respond this way. I</p> <p>19 think it might help.</p> <p>20 Without using some level of certainty and</p> <p>21 prediction, we would take data, and in my</p> <p>22 recommendations, could – we could add additional</p> <p>23 wells, and it might reduce the number of iteration or</p> <p>24 potential future steps.</p> <p>25 But my recommendations are based on a</p>	<p style="text-align: right;">Page 33</p> <p>1 facts not in evidence.</p> <p>2 MR. CORRELL: Let me clarify it because I'm</p> <p>3 not trying to trick you, sir.</p> <p>4 Q. You have at all these sites</p> <p>5 recommended additional assessment activities,</p> <p>6 correct?</p> <p>7 A. At many of the sites, yes.</p> <p>8 Q. At many of the sites.</p> <p>9 At no site have you recommended additional</p> <p>10 remediation action, right?</p> <p>11 A. At this time that would be correct.</p> <p>12 Q. And that is because at this time,</p> <p>13 focusing exclusively on remediation activities, you</p> <p>14 do not have enough data to predict what would be</p> <p>15 needed with reasonable certainty, correct?</p> <p>16 MR. MILLER: What are you talking about when</p> <p>17 you say "remediation activities"? It's the same</p> <p>18 problem I raised earlier. You're assuming facts not</p> <p>19 in evidence that this work is unrelated to</p> <p>20 remediation. It's argumentative.</p> <p>21 THE WITNESS: And I believe we could answer</p> <p>22 those questions -- in a general form it's a little</p> <p>23 difficult. Site by site is a little simpler. But I</p> <p>24 think I can answer the question this way.</p> <p>25 That, generally speaking, if remediation was</p>

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<p>1 performed on a site that included vapor extraction, 2 it, in most of the cases -- and, again, I have to go 3 look site by site as we are going through it -- the 4 vapor extraction likely removed the source at the 5 site.</p> <p>6 So in most of the cases that we're talking 7 about, we're looking at groundwater impact. And 8 off-site groundwater impact, to be more specific. 9 Currently, at -- I don't remember a site. 10 So it may be a site or two only. Is there sufficient 11 data to develop a Remedial Action Plan or some even 12 conceptual idea of what that remediation might look 13 like if, it were necessary, without any additional 14 work.</p> <p>15 BY MR. CORRELL:</p> <p>16 Q. And so sitting here today, you would 17 need more data at these sites before you could, with 18 reasonable certainty, propose a Site Remediation Plan 19 or even a Conceptual Site Remediation Model?</p> <p>20 MR. MILLER: Objection. Compound. And the 21 witness just explained in his last answer that you 22 have to go site by site to answer your question. And 23 you're refusing to do that.</p> <p>24 THE WITNESS: In general, I think that's 25 true.</p>	<p>1 Fresno. 2 Q. Okay. And what do you mean by "data 3 produced by the City of Fresno"?</p> <p>4 A. Data that shows MTBE detections in 5 particular wells.</p> <p>6 Q. Okay. Do you know if that data was 7 generated by the firm Friedman & Bruya?</p> <p>8 A. We were provided a table. I don't 9 have the actual data. I believe that two of the 10 samplings were provided by Friedman & Bruya.</p> <p>11 Q. And do you know who provided the 12 other samples?</p> <p>13 A. I'd have -- I'd like to refresh my 14 memory. There were other consultants doing other 15 work for them at different times.</p> <p>16 Q. Was BSK one of those, do you know?</p> <p>17 A. I believe BSK was the laboratory that 18 was used. I don't know who collected the sample. So 19 BSK, for clarification, has both an engineering firm, 20 consulting firm, and a laboratory.</p> <p>21 Q. Have you reviewed the deposition of 22 the BSK corporate representative about those samples?</p> <p>23 A. No.</p> <p>24 Q. Have you reviewed any depositions in 25 this matter to prepare your opinions?</p>
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<p>1 BY MR. CORRELL:</p> <p>2 Q. Okay. Now, the opinions that you 3 rendered for additional assessment at these sites, 4 have you told anybody at the City of Fresno about 5 your opinions?</p> <p>6 A. No.</p> <p>7 Q. Have you discussed your work at all 8 with anybody at the City of Fresno?</p> <p>9 A. No.</p> <p>10 Let me clarify. With the exception of 11 requesting information from them, no.</p> <p>12 Q. Okay. From whom did you request 13 information at the City of Fresno?</p> <p>14 A. Most of those requests went from my 15 staff to their staff. So I couldn't give you exact 16 names. But it would be somebody in the water 17 department.</p> <p>18 Q. Okay. What type of information did 19 your staff request from the City?</p> <p>20 A. We were provided with copies of some 21 of the well logs and a table with their laboratory 22 data that was -- has been produced.</p> <p>23 Q. Okay. When you say "their laboratory 24 data," what are you referring to?</p> <p>25 A. Data that was produced by the City of</p>	<p>1 A. I did look at the expert report -- 2 no, no depositions.</p> <p>3 Q. And when you say the City produced 4 this table, do you mean they provided it to you?</p> <p>5 A. Yes.</p> <p>6 Q. Do you know if the City has provided 7 this table to anyone else?</p> <p>8 A. I don't know for a fact, no.</p> <p>9 Q. And did you produce this table as 10 part of your work papers?</p> <p>11 A. Yeah, I -- I believe so. Or at least 12 we referred to that information as we talked about 13 the local -- the wells proximal to sites.</p> <p>14 Q. Do you have that table with you 15 today, sir, in your materials?</p> <p>16 A. Unless it's produced in one of the 17 reports, I do not have it.</p> <p>18 Q. Okay. Is that something you could 19 bring with you tomorrow?</p> <p>20 A. I could get e-mailed. And I will 21 take a quick look through the reports and see if it's 22 in there, too.</p> <p>23 Q. Okay. Now, speaking with City of 24 Fresno, do you know whether or not the City of Fresno 25 has taken any action to implement your</p>

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1 which is overlaid by individual depressions from
 2 individual wells which cause -- which appear to cause
 3 sort of like these seasonal changes. And oftentimes
 4 if you sample less often, you may only get the high
 5 points, you may only get the low points, but you
 6 don't know.

7 And so a year to a year and a half would be
 8 a reasonable time frame.

9 Q. Of quarterly monitoring?

10 A. Of quarterly monitoring.

11 Q. And for the sites you recommended not
 12 monitoring wells but CPTs, how long would you need to
 13 monitor the CPT?

14 A. They are one time. You get the data,
 15 and then you make the recommendations. So it would
 16 take three to four months to get all the data.

17 Q. And after you either drill the
 18 monitoring wells and do the CPT, one thing that you
 19 could learn is that additional assessment activities
 20 aren't needed, correct?

21 A. It is possible, yes.

22 Q. Now, you said, when talking about the
 23 monitoring -- installing the monitoring wells, you
 24 talked about regulatory approval. What regulatory
 25 approval would you need to obtain to install the

1 Q. So you could take your plan to the
 2 Water Board, and the Water Board could disagree that
 3 the assessment was needed and deny approval, right?

4 MR. MILLER: Compound. Assumes facts not in
 5 evidence. Calls for speculation as asked.

6 THE WITNESS: I couldn't speak for the Water
 7 Board. I believe there would be two scenarios.
 8 One -- well, maybe -- at least two scenarios. Let me
 9 rephrase that.

10 One, that on face value they looked at it
 11 and agreed and would reopen the case; or, secondly,
 12 that the City they said they were concerned whether
 13 the Water Board reopened the case or not.

14 And if they didn't require -- in the case of
 15 CPT analysis, which possibly with a rare exception or
 16 two, I think all the CPT recommendations were
 17 off-site, that the City could perform those without
 18 property permission.

19 The Water Board would still have to approve
 20 the work plan. And I don't know that I could answer
 21 the question what I thought the Water Board may or
 22 may not do at that point.

23 BY MR. CORRELL:

24 Q. So, sitting here today, you cannot
 25 render an opinion whether or not the Water Board

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1 monitoring wells that you have recommended?

2 A. There's a couple. One, the City of
 3 Fresno issues a permit, and then the Water Board
 4 needs to approve a work plan.

5 Q. Okay.

6 A. And in some cases there may be some
 7 permits from other agencies that are necessary.

8 Q. Okay. For the CPT testing, would
 9 that require Water Board approval, too?

10 A. Yes.

11 Q. So one possibility is that you could
 12 take these opinions to the Water Board, and they
 13 could reject your plan, right?

14 MR. MILLER: Calls for speculation, as
 15 asked.

16 THE WITNESS: I'm not sure how to answer the
 17 question. Could you reframe the question.

18 MR. CORRELL: Sure.

19 Q. You talked about before drilling the
 20 monitoring wells with CPT, one step you need to take
 21 was to obtain regulatory approval, right?

22 A. Correct.

23 Q. And one of those regulatory bodies
 24 was the Water Board, right?

25 A. Correct.

1 would actually approve a work plan, based upon your
 2 expert opinions in this case, right?

3 MR. MILLER: Objection. That's vague and
 4 ambiguous and overbroad.

5 THE WITNESS: I think I could say that I'm
 6 not -- I couldn't tell you, sitting here today,
 7 whether the Water Board would reopen the case.

8 I don't know specifically how they would
 9 handle reviewing a work plan for a case that they had
 10 not yet reopened. I just couldn't even give you an
 11 answer one way or the other.

12 BY MR. CORRELL:

13 Q. Okay. So two possibilities in your
 14 scenario. One is they could take your suggestions,
 15 reopen the case, and make the responsible party do
 16 the work?

17 A. Correct.

18 Q. And the other one is if they decide
 19 not to reopen the case, you don't know how they would
 20 proceed?

21 A. That's correct.

22 MR. CORRELL: Why don't we take a five-,
 23 ten-minute break to go to the bathroom.

24 THE WITNESS: Sure.

25 THE VIDEOGRAPHER: With the approval of

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<p>1 counsel, we are going off the record. The time is 2 approximately 10:09 a.m. 3 (Recess taken.) 4 THE VIDEOGRAPHER: With the approval of 5 counsel, we are back on the record. The time is 6 approximately 10:18 a.m. 7 BY MR. CORRELL: 8 Q. Sir, as part of your review in this 9 matter, you were not able to determine that -- even 10 assuming that trace MTBE detections in the City of 11 Fresno's wells are accurate, you weren't able to 12 trace those detections to any specific UST station, 13 correct? 14 MR. MILLER: Objection. Vague as to 15 "trace." Assumes facts not in evidence. 16 Go ahead and answer, if you can. It's also 17 compound. 18 THE WITNESS: We weren't asked to attempt to 19 evaluate that, but I can generally say -- and I'm 20 sure that fate and transport is being discussed by 21 other experts. 22 But, generally speaking, at the sites that 23 we looked at, without the additional work that we 24 recommended, I'm not sure there's sufficient data, at 25 least for us, to make that opinion.</p>	<p>1 correct? 2 A. That's correct. 3 Q. When you said you assumed fate and 4 transport was being handled by different experts, do 5 you know which expert is handling fate and transport 6 issues form City of Fresno? 7 A. I don't specifically. 8 Q. Okay. Have you met with any of the 9 other experts who are testifying on behalf of the 10 City of Fresno? 11 A. No. 12 Q. You cannot say, based upon the data 13 that you reviewed, that a release from any one of the 14 UST stations at issue here poses an imminent threat 15 to a drinking water well in the City of Fresno, 16 correct? 17 MR. MILLER: Exceeds the scope of his 18 assignment. 19 Go ahead. 20 THE WITNESS: Again, same answer from a fate 21 and transport -- that's a fate and transport 22 question, beyond our scope. 23 BY MR. CORRELL: 24 Q. And so you can't opine that? 25 A. I would not opine on that.</p>
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<p>1 BY MR. CORRELL: 2 Q. Okay. And at no -- and at no -- at 3 none of the sites were you able to predict that a 4 release from a site would impact a specific City of 5 Fresno drinking water well, correct? 6 MR. MILLER: Objection. As asked calls for 7 speculation and exceeds the scope of his assignment 8 in the case. 9 THE WITNESS: Again, we didn't do fate and 10 transport modeling, so it was beyond the scope of 11 what we were asked to do. 12 BY MR. CORRELL: 13 Q. And so you don't have any opinions on 14 that subject either? 15 A. It's beyond the scope of my 16 expertise. 17 Q. And you did not do any fate and 18 transport modeling? 19 A. That's correct. 20 Q. In general, your approach to these 21 sites was to review the available data given and then 22 recommend additional assessment activities? 23 A. If it were necessary. 24 Q. And I apologize if I asked you this 25 before. You didn't do any groundwater modeling.</p>	<p>1 Q. And you not opined on that? 2 A. That's correct. 3 Q. Do you agree that the EPA testing 4 Method 8080 is unreliable for determining if MTBE is 5 present? 6 MR. MILLER: Exceeds the scope and calls for 7 an opinion on the subject of chemistry. Calls for 8 speculation. 9 THE WITNESS: I am not an expert in chemical 10 analysis. I do know that we oftentimes, currently, 11 using Method 8260. But 82 - 8020 was a method 12 that -- that does see MTBE, and it is -- depending on 13 many circumstances, may have some accuracy and 14 precision issues that are less problematic in 8260. 15 BY MR. CORRELL: 16 Q. Has it been your experience that 8220 17 resulted in false positives for MTBE? 18 MR. MILLER: Vague and ambiguous on scope. 19 Overbroad. Calls for speculation. Exceeds scope. 20 THE WITNESS: Not being an expert in 21 chemical analysis, I think that it's safe to say that 22 there are ranges of detection limits for any 23 analysis, and false positives and false negatives are 24 possible with any analysis. 25 8020, if used, should be confirmed with 8260</p>

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<p>1 tell you exactly. Miller Axline might have provided 2 some information on that early on. I might have 3 asked somebody about other long plumes. 4 I did ask some Water Board folks for some 5 information, if they knew any other fairly long 6 plumes. And it may have been one of those, but I 7 don't specifically remember.</p> <p>8 Q. So you were not the consultant on the 9 former Easy Service Station in Bishop?</p> <p>10 A. No, no, no.</p> <p>11 Q. Okay. And you -- what did you -- 12 what records did you have about plume length on the 13 former Easy Service Station?</p> <p>14 A. I pulled off reports from GeoTracker.</p> <p>15 Q. Okay. Who at the Water Board did you 16 ask for examples of long plumes?</p> <p>17 A. You know, I don't remember 18 specifically. It was probably eight or nine months 19 ago. I might have asked Warren Gross for some 20 general information.</p> <p>21 Q. Okay. Did you ask Mr. Gross, or 22 anybody else, at the Water Board, for example, for 23 shorter MTBE plumes?</p> <p>24 A. No.</p> <p>25 Q. Under "Remediation Alternatives for</p>	<p>1 Do you see that in the next paragraph? 2 A. Yes. 3 Q. Is that widely among sites? What did 4 you mean by -- 5 A. Yes. Widely among sites. 6 Q. You say, "Without a complete 7 assessment, it is not possible to estimate the cost 8 to remediate a site." 9 That's a true statement, right? 10 A. Yes. 11 Q. And -- and that's why you weren't 12 able to offer opinions as to what it would cost, if 13 anything, to remediate the sites in this case? 14 MR. MILLER: Objection. Vague and ambiguous 15 about "remediate." 16 Are you talking about ozone, or what? 17 THE WITNESS: I think the difficulty in 18 giving a cost for remediation without knowing the 19 extent of the problem, and that other variables that 20 go along with designing a remediation system make it 21 very difficult to just give a number before that 22 information is available. 23 BY MR. CORRELL: 24 Q. And so for no site you -- you say, 25 "Estimate the cost to remediate a site." Do you see</p>
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<p>1 MTBE," you say towards the end of the first 2 paragraph, "Advancement in oxygenation technique 3 since 2005 have made ozone and oxygenation a primary 4 alternative."</p> <p>5 What did you mean by that?</p> <p>6 A. Was I specifically -- I believe I'm 7 talking about groundwater specific here. Most of the 8 conversation here is about groundwater.</p> <p>9 That both those two techniques are ones that 10 I have found to be extremely useful for ozone -- for 11 MTBE, especially if you can -- if the MTBE is -- if 12 there are higher concentrations of MTBE and lower 13 concentrations of other compounds. Because those two 14 techniques tend to react with organic molecules of 15 any type.</p> <p>16 But many -- a lot of other techniques have a 17 hard time of getting at MTBE and ozone or other 18 oxygenation techniques. And there are -- there are 19 others, including injection of hydrogen peroxide or 20 other patented and trademark kinds of chemicals.</p> <p>21 And so if you can -- if you can get to it, 22 then these techniques destroy it pretty much in 23 place. And so it's very effective.</p> <p>24 Q. Then you say, "Remedial costs vary 25 widely."</p>	<p>1 that? 2 A. Yes. 3 Q. For none of the 31 sites at issue did 4 you provide an estimate -- an estimate of the cost to 5 remediate the site, correct? 6 A. That's correct. 7 MR. MILLER: Are we talking about a site 8 specific? The question is vague and ambiguous. 9 THE WITNESS: That's correct. 10 BY MR. CORRELL: 11 Q. You stay -- then you talk about the 12 State Cleanup Fund. You say, "This upper limit for 13 state reimbursement is not intended to make the 14 responsible party whole." 15 What did you mean by "responsible party"?</p> <p>16 A. In this case it would be the person 17 that was eligible to receive reimbursement from the 18 fund.</p> <p>19 Q. And it's been your experience at a 20 UST cleanup site that the regulatory agency 21 identifies a responsible party or parties, correct?</p> <p>22 A. Yes. 23 Q. Okay. You then say, "The Fund has 24 not kept records that allow breakdown for evaluating 25 or comparing select remedial techniques versus cost.</p>

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1 CERTIFICATE OF REPORTER

2 I, SANDRA BUNCH VANDER POL, a Certified
3 Shorthand Reporter, hereby certify that the witness in
4 the foregoing deposition was by me duly sworn to tell
5 the truth, the whole truth and nothing but the truth
6 in the within-entitled cause;

7 That said deposition was taken down in shorthand
8 by me, a disinterested person, at the time and place
9 therein stated, and that the testimony of the said
10 witness was thereafter reduced to typewriting, by
11 computer, under my direction and supervision;

12 That before completion of the deposition, review
13 of the transcript was requested. If requested, any
14 changes made by the deponent (and provided to the
15 reporter) during the period allowed are appended
16 hereto.

17 I further certify that I am not of counsel or
18 attorney for either or any of the parties to the said
19 deposition, nor in any way interested in the event of
20 this cause, and that I am not related to any of the
21 parties thereto.

22 DATED: APRIL 30, 2012

Sandra Bunch Vander Pol
23

SANDRA BUNCH VANDER POL, CSR #3032
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David W. Norman, P.E.

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE: METHYL TERTIARY BUTYL
ETHER ("MTBE") MDL 1358
PRODUCTS LIABILITY LITIGATION (SAS)

This Document Relates to:

CITY OF FRESNO v. CHEVRON U.S.A.
INC., et al.
Case No. 04 Civ. 04973 (SAS)

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THURSDAY, APRIL 19, 2012

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Videotaped Deposition of DAVID W. NORMAN,
P.E., VOLUME II, held at the Law Offices of Sheppard
Mullin Richter & Hampton, 333 South Hope Street, 43rd
Floor, Los Angeles, California, beginning at 9:02 a.m.,
before Sandra Bunch VanderPol, FAPR, RMR, CRR, CSR
#3032

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David W. Norman, P.E.

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1	A. Most likely tomorrow midday.	1 Q. So we have CPTs, six CPTs to 125
2	Q. I would like you to turn to your	2 feet, correct?
3	attention to three documents that were produced to us	3 A. That's correct.
4	this morning.	4 Q. And so you come up with a total of
5	Exhibit 31 is, "MTBE Test Results Summary	5 \$31,000 for all six?
6	Sheet, City of Fresno Municipal Wells Compiled	6 A. That's correct.
7	11-18-2011."	7 Q. And the work plan preparation,
8	A. That's correct.	8 including monitoring wells, that's going to cost
9	Q. And this is the MTBE table we	9 \$4,000?
10	discussed yesterday?	10 A. Yes.
11	A. It is.	11 Q. And what did you base that on?
12	Q. Exhibit No. 32 is -- are invoices for	12 A. That's just our experience in
13	professional services your firm rendered on this case	13 preparing work plans.
14	through February 29, 2012.	14 Q. Is there any -- are there any cost
15	A. That's correct.	15 buildups behind these spreadsheets?
16	Q. Have you not yet invoiced for the	16 A. In some cases there would be. In
17	March time?	17 some cases there would be just unit costs that we
18	A. No, we have not.	18 developed over time.
19	Q. Do you know approximately how much	19 Q. Have you produced the spreadsheets
20	the invoice will be for March time?	20 that build up the costs?
21	A. You know, I did not look. I would	21 A. These were probably PDFs. They may
22	estimate approximately \$30,000.	22 be notes in the individual cells that -- for the
23	Q. So what -- through March, what is the	23 behind-the-unit cost, there may be a note in the cell
24	total amount of fees you've been paid for, that your	24 in the Excel spreadsheet.
25	firm has charged in this matter?	25 Q. Let me see real quick how they were
	Page 283	Page 285
1	A. Oh, you know, I did not prepare for	1 produced.
2	that. I do not -- I do not know.	2 MS. O'REILLY: They were produced PDF.
3	Q. And then Exhibit 33 is a spreadsheet,	3 THE WITNESS: As a PDF.
4	correct?	4 MS. O'REILLY: By his office. So he would
5	A. Correct.	5 have to have Stephanie see if she can send the native
6	Q. Briefly --	6 file.
7	A. It's a series of spreadsheets.	7 MR. CORRELL: And will you do that, sir?
8	Q. Briefly describe what Exhibit 33 is,	8 THE WITNESS: I will do that.
9	sir.	9 MS. O'REILLY: I can do that right now,
10	A. This -- this is a series of	10 Dave. I will send her an e-mail.
11	spreadsheets which we built up the costs for the	11 THE WITNESS: Beautiful.
12	individual recommendations made for work at the	12 MR. CORRELL: She's more helpful than Duane.
13	individual sites.	13 Okay.
14	Q. Okay. And so for each site you --	14 Q. So work plan -- the work plan. And
15	did you use the same unit costs?	15 that would be a work plan that you would submit to
16	A. We used the same unit costs, that's	16 the regulatory agencies?
17	correct, unless otherwise noted.	17 A. That's correct.
18	Q. Let's start with Exhibit 33, then,	18 Q. And an underground service alert,
19	and let's find one of the sites that we discussed	19 what is that?
20	yesterday. It has both monitoring -- let's go to --	20 A. That is a utility check that's
21	the pages aren't numbered, but let's go to Unocal	21 required before you penetrate the ground surface.
22	6583 at 1418 East Shaw.	22 And there is a service that is offered through a
23	A. Yes. Oh, wait. Unocal?	23 conglomerate of the utility companies.
24	Q. 6553, 1418 East Shaw.	24 Q. Okay. And you base the 650 on what?
25	A. Yes.	25 A. That is approximately a few hours,

4 (Pages 282 to 285)

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CERTIFICATE OF REPORTER

2

I, SANDRA BUNCH VANDER POL, a Certified

3

Shorthand Reporter, hereby certify that the witness
4 in the foregoing deposition was by me duly sworn to
5 tell the truth, the whole truth and nothing but the
6 truth in the within-entitled cause;

7

That said deposition was taken down in
8 shorthand by me, a disinterested person, at the time
9 and place therein stated, and that the testimony of
10 the said witness was thereafter reduced to
11 typewriting, by computer, under my direction and
12 supervision;

13

That before completion of the deposition,
14 review of the transcript was requested. If
15 requested, any changes made by the deponent (and
16 provided to the reporter) during the period allowed
17 are appended hereto.

18

I further certify that I am not of counsel or
19 attorney for either or any of the parties to the said
20 deposition, nor in any way interested in the event of
21 this cause, and that I am not related to any of the
22 parties thereto.

23

DATED: MAY 2, 2012

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Sandra Bunch Vander Pol
SANDRA BUNCH VANDER POL, CSR #3032

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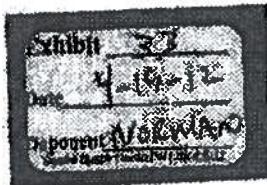
7-Eleven #13917
FRESNO, CALIFORNIA
Workload Staffing Plan and Cost Breakdown

CPT (100' deep) for 10 monitoring wells		Unit	Unit Cost	Total Cost
TASK			dollars	
1	Work Plan Preparation (including Monitoring Wells)	1	\$5,000	\$5,000
2	Underground Service Alert	1	\$650	\$650
3	Field Labor	16	\$110	\$1,760
4	Permits	7	\$1,000	\$7,000
5	Report	1	\$4,450	\$4,450
6	Drill Rig	1.5	\$6,000	\$9,000
7	Laboratory Costs (TPHg and MTBE) (all 3 per CPT @ \$200 each)	9	\$200	\$1,800
8	Laboratory Costs (TPHg and MTBE groundwater) 1 per CPT @ \$200	3	\$200	\$600
9				

MONITORING WELLS (Monitoring Wells to 125' deep)		Unit	Unit Cost	Total Cost
TASK			dollars	
1	Work Plan	0	\$4,000	\$0
2	Underground Service Alert	0	\$650	\$0
3	Field Labor	0	\$110	\$0
4	Permits	0	\$1,000	\$0
5	Report	0	\$2,500	\$0
6	Driller (\$40/foot) x 135 ft x 3	0	\$16,200	\$0
7	Survey	0	\$9,000	\$0
8	Develop Monitoring Wells	0	\$1,500	\$0
9	Dispose of Water	0	\$300	\$0
10	Post Construction Report	0	\$4,000	\$0

MONITORING 4 sampling events		Unit	Unit Cost	Total Cost
TASK			dollars	
1	Sampling Labor (10 hrs x 4 times a year)	0	\$110	\$0
2	Laboratory (\$500 per sample, 3 samples, 4 times a year)	0	\$500	\$0
3	Supplies (\$300 per event 4 times a year)	0	\$200	\$0
4	Dispose (\$500 per event to dispose of water)	0	\$500	\$0
5	Report (1 per sampling event)	0	\$4,000	\$0
6				
7				
8				
9				
10				

Total	CPT	Monitoring Wells	Monitoring
Phase			
Colder Phase	\$22,510	\$0	\$0
Cumulative Cost			\$22,510



Tesco 39118
FRESNO, CALIFORNIA
Workload Staffing Plan and Cost Breakdown

CPT (7 CPTs in 150 ft)		Units	Unit Cost	Total Fee
Task			dollars	
1	Work Plan Preparation (including Monitoring Wells)	1	\$4,000	\$4,000
2	Underground Service Alert	1	\$550	\$550
3	Field Labor	20	\$110	\$2,200
4	Permit and Trade Control	1	\$8,000	\$8,000
5	Report	1	\$4,000	\$4,000
6	Drill (845' foot x 150 ft x 3)	0	\$5,500	\$0
7	Laboratory Costs (TPHg and MTBE, cell 3 per CPT @ \$200 each)	21	\$800	\$16,800
8	Laboratory Costs (TPHg and MTBE groundwater) 1 per CPT @ \$200	7	\$200	\$1,400
9				
				\$18,350

MONITORING WELLS (1 Monitoring Well in 150 ft)		Units	Unit Cost	Total Fee
Task			dollars	
1	Work Plan	1	\$0	\$0
2	Underground Service Alert	1	\$250	\$250
3	Field Labor	50	\$110	\$5,500
4	Permit and Trade Control	1	\$8,000	\$8,000
5	Report	1	\$4,000	\$4,000
6	Drill (845' foot x 150 ft x 3)	1	\$10,250	\$10,250
7	Survey	1	\$3,000	\$3,000
8	Develop Monitoring Wells	1	\$8,500	\$8,500
9	Dispose of Water	9	\$500	\$4,500
10	Post Construction Report	1	\$6,000	\$6,000
				\$48,000

MONITORING (1 year)		Units	Unit Cost	Total Fee
Task			dollars	
1	Sampling Labor (10 hrs x 4 times a year)	40	\$110	\$4,400
2	Laboratory (\$200 per sample, 3 samples, 4 times a year)	4	\$600	\$2,400
3	Supplies (\$200 per event 4 times a year)	4	\$200	\$800
4	Dispose (\$500 per event for dispose of water)	4	\$500	\$2,000
5	Report	4	\$4,000	\$16,000
6				\$0
7				\$0
8				\$0
9				\$0
10				\$0
				\$25,400

Total	CPT	Monitoring Wells	Monitoring
Phase			
Cost for Phase		\$48,000	\$25,400
Cumulative Cost			\$73,400